

IN THE HIGH COURT OF PUNJAB & HARYANA
CHANDIGARH

Criminal Revision No.100 OF 1994
Date of Decision: JULY 11, 2007

State Bank of India

.....PETITIONER

VERSUS

Raj Singh Yadav

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE A.N.JINDAL

Present: Mr.I.P.S Doabia, Advocte for the petitioner.
Mr. J.S.Yadav. Advocate for the respondent.

A.N.JINDAL, J

The complainant/petitioner/State Bank of Patiala (hereinafter referred to as the 'petitioner') has sought to take action against the respondent under Section 447 of the Indian Penal Code for the alleged encroachment made by him over an area measuring 5 x 60 metres out of their plot. It was also alleged that the FIR No. 359 on 01.08.1986 lodged by them did not bring fruits and the police recommended for cancellation of the said FIR.

Magistrate, while observing a prima facie case for summoning the respondent, proceeded to issue the process but the said order was assailed in revision by the respondent Raj Singh Yadav which was accepted and

complaint was dismissed by Session Judge, Gurgaon vide judgment dated 01.10.1992. Hence this petition by the petitioner.

Having perused the record of the case the petitioner State Bank of India is aggrieved against the encroachment made by the respondent. The matter pertaining to which was pending before Civil Court also. Mere allegation of illegal possession is not sufficient to bring the case within the purview of Section 447 of the Indian Penal Code so as to hold him criminally liable.

Consequently, finding no merit in the revision petition the same is hereby dismissed.

July 11,2007
Ruchika

(A.N.JINDAL)
JUDGE

-